

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

KEVIN McNICHOLS,

Plaintiff,

v.

THE MOORE LAW GROUP; DISCOVER  
BANK,

Defendants.

Case No. 11CV1458-WQH(JMA)

**ORDER FOLLOWING EARLY  
NEUTRAL EVALUATION  
CONFERENCE, SETTING RULE 26  
COMPLIANCE AND NOTICE OF  
TELEPHONIC CASE MANAGEMENT  
CONFERENCE**

On April 25, 2012 at 2 p.m., the Court convened an Early Neutral Evaluation Conference in the above entitled action.

Pursuant to Rule 26 of the Federal Rules of Civil Procedure, the Court issues the following orders:

1. The Rule 26(f) conference shall be completed by May 22, 2012.
2. All parties shall fully comply with the Initial Disclosure requirements of Rule 26(a)(1) by May 31, 2012.
3. A proposed joint discovery plan shall be lodged with Magistrate Judge Adler's chambers on or before May 31, 2012 (the parties should consult Rule 26(f) for

the substance of the discovery plan).<sup>1</sup> With regard to electronically stored information (ESI), the parties shall address:


- a. The nature of each parties' computer system, including the computer software and hardware system configuration, the operating and application software, and the backup, retention, storage, and archival procedures regarding ESI that is relevant to the case.
- b. The preservation of ESI relevant to the case.
- c. Search terms, search protocols and methods or procedures for privilege review and protection against inadvertent disclosure of privileged ESI.
- d. Methods to minimize delay and expense of ESI through de-duplication, sampling or other means.

4. Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a telephonic Case Management Conference shall be held on **June 7, 2012** at **9:30 a.m.** before Magistrate Judge Adler. All counsel and unrepresented parties shall appear telephonically at this conference. The Court will initiate the conference call.

Failure of any counsel or party to comply with this Order will result in the imposition of sanctions.

**IT IS SO ORDERED.**

DATED: April 25, 2012

  
Jan M. Adler  
U.S. Magistrate Judge

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<sup>1</sup>The proposed joint discovery plan may be delivered directly to chambers, e-mailed to [efile\\_adler@casd.uscourts.gov](mailto:efile_adler@casd.uscourts.gov), or faxed to (619) 702-9939.